

**TITLE 21. Public Works****Division 2. Department of Transportation****Chapter 19. Placement of Motorist Services Informational Signs Near Highway Exits Along Interstate F****Article 4. Business Sign Eligibility****Article 4. Business Sign Eligibility****§2111. Criteria and Waiver.**• [Note](#) • [History](#)

(a) Criteria. A Qualified Motorist Service Business is eligible to apply for a permit to place its Business Sign on a Motorist Services Informational Panel if the business premises have a generally neat, clean, and comfortable appearance and an adequate scope of services as determined by the Department and it meets the following minimum criteria:

(1) FUEL. The business:

(A) Shall be located not more than one (1) mile from the interchange where the Business Sign is to be displayed according to the State Measured Distance.

(B) Shall provide vehicle services, including but not limited to: fuel, oil, tire repair, battery, and radiator water.

(C) Shall provide public rest room facilities, each containing at least a sink, running water, and a flush toilet.

(D) Shall provide a drinking water fountain for public use.

(E) Shall provide a public telephone.

(F) Shall be open for business, with all of the above services and facilities available, and in a continuous operation, for at least 16 consecutive hours daily, seven (7) days a week, except that the qualified business shall not be considered to be in violation of this requirement when, as a result of a shortage of fuel, the facility is closed or when its hours of operation are reduced.

(G) Shall obtain and display any appropriate license or permit as may be required by law.

(2) FOOD. The business:

(A) Shall be located not more than three (3) miles from the interchange where the Business Sign is to be displayed according to the State Measured Distance.

(B) Shall accumulate at least seven (7) points from the following four (4) categories, but at least one point must be accumulated from Category 3:

Category 1. If the State Measured Distance is:

- |    |                                       |                 |
|----|---------------------------------------|-----------------|
| a. | 0 to 1/2 mile, inclusive              | assign 3 points |
| b. | Over 1/2 mile to 1 mile,<br>inclusive | assign 2 points |

- |    |                                      |                |
|----|--------------------------------------|----------------|
| c. | Over 1 mile to 3 miles,<br>inclusive | assign 1 point |
|----|--------------------------------------|----------------|

Category 2. If the number of traffic control devices consisting of traffic signals or stop signs between said gore and said nearest driveway is:

- |    |             |                 |
|----|-------------|-----------------|
| a. | 0-1 device  | assign 3 points |
| b. | 2-3 devices | assign 2 points |
| c. | 4-5 devices | assign 1 point  |

d. More than 5 devices....assign 0 points

Category 3.

a. If the number of indoor seats totals:

- |     |                      |                  |
|-----|----------------------|------------------|
| (1) | 50 or more seats     | assign 3 points  |
| (2) | 30 seats to 49 seats | .assign 2 points |
| (3) | 15 seats to 29 seats | assign 1 point   |
| (4) | Less than 15 seats   | assign 0 points  |

or

b. If the parking facilities for drive-in or drive-through service totals:

- |     |                        |                 |
|-----|------------------------|-----------------|
| (1) | 20 or more spaces      | assign 3 points |
| (2) | 11 spaces to 19 spaces | assign 2 points |
| (3) | 5 spaces to 10 spaces  | assign 1 point  |
| (4) | Less than 5 spaces     | assign 0 points |

Category 4. When the distance as measured from said gore of the interchange where the Business Sign is to be displayed to the gore of the next exit served by a food establishment which business would qualify for signing is:

- |    |               |                 |
|----|---------------|-----------------|
| a. | Over 10 miles | assign 3 points |
|----|---------------|-----------------|

- |    |  |                 |
|----|--|-----------------|
| b. | Over 3 miles to 10 miles,<br>inclusive | assign 2 points |
| c. | 1 mile to 3 miles, inclusive           | assign 1 point  |
| d. | Less than 1 mile                       | assign 0 points |

(C) Shall be in compliance with respect to licensing, approval, and regulation by any state agency and/or any political subdivision of the state having or exercising jurisdiction over the business premises. Licenses and permits required and issued by the state or its political subdivisions shall be displayed on the premises.

(D) Shall provide a public telephone.

(E) Shall provide public rest room facilities, each containing at least a sink, running water, and a flush toilet.

(F) Shall be open for business, with all the above services and facilities available, and in continuous operation for at least 12 consecutive hours daily, beginning not later than 7 a.m., seven (7) days a week, and serving breakfast, lunch, and dinner.

(3) LODGING. The business:

(A) Shall be located not more than three (3) miles from the interchange where the Business Sign is to be displayed according to the State Measured Distance.

(B) Shall accumulate at least seven (7) points from the following four (4) categories:

Category 1: If the distance is:

- |    |                                       |                 |
|----|---------------------------------------|-----------------|
| a. | 0 to 1/2 mile, inclusive              | assign 3 points |
| b. | Over 1/2 mile to 1 mile,<br>inclusive | assign 2 points |
| c. | Over 1 mile to 3 miles,<br>inclusive  | assign 1 point  |

Category 2. If the number of traffic control devices consisting of traffic signals or stop signs between said gore and said nearest driveway is:

- |    |                     |                 |
|----|---------------------|-----------------|
| a. | 0-1 device          | assign 3 points |
| b. | 2-3 devices         | assign 2 points |
| c. | 4-5 devices         | assign 1 point  |
| d. | More than 5 devices | assign 0 points |

## Category 3.

a. If the number of lodging units, each with private bath facilities, is:

- |     |                      |                 |
|-----|----------------------|-----------------|
| (1) | 50 or more units     | assign 3 points |
| (2) | 30 units to 49 units | assign 2 points |
| (3) | 15 units to 29 units | assign 1 point  |
| (4) | Less than 15 units   | assign 0 points |

Category 4. When the distance as measured from the gore of the interchange where the Business Sign is to be displayed to the gore of the next exit served by a lodging establishment which would qualify for signing is:

- |    |                                     |                 |
|----|-------------------------------------|-----------------|
| a. | Over 10 miles                       | assign 3 points |
| b. | Over 3 miles to 10 miles, inclusive | assign 2 points |
| c. | 1 mile to 3 miles, inclusive        | assign 1 point  |
| d. | Less than 1 mile                    | assign 0 points |

(C) Shall be in compliance with respect to licensing, approval, and regulation by any state agency and/or any political subdivision of the state having or exercising jurisdiction over the business premises. Licenses and permits which are issued by the state or its political subdivisions shall be displayed on the premises.

(D) Shall provide at least one off-street passenger vehicle parking space for each lodging unit available for rent.

(E) Shall provide a public telephone.

(f) Shall be open for business, with all of the above services and facilities available, and in continuous operation 24 hours a day, seven (7) days a week.

(4) CAMPING. The business:

(A) Shall be located not more than 10 miles from the interchange where the Business Sign is to be displayed according to the State Measured Distance.

(B) Shall be in compliance with respect to licensing, approval, and regulation by any state agency and/or any political subdivision of the state having or exercising jurisdiction over the business premises or be operated by a governmental agency. Any license or permits which are issued by the state or a local governmental body shall be displayed on the premises.

(C) Must establish eligibility under at least one of the following three criteria:

1. Shall have not less than 25 vehicular overnight camping units or spaces available for rent. Each unit or space must provide individual service and utility hook-ups suitable for travel trailers, campers, and other recreational vehicles.

The facility shall be accessible to and capable of accommodating all types of recreational vehicles, travel trailers and campers.

2. Shall have not less than 15 overnight camping units or spaces available which will accommodate tents, and have at least one vehicle parking space for each unit or space available for rent. Shall have sanitary facilities, and drinking water, for the units or spaces, but not necessarily at each individual campsite.

3. Shall have not less than 30 overnight camping units or spaces available, consisting of a combination of the types specified in items 1. and 2. hereinabove.

(D) Shall have an attendant on duty 24 hours a day to manage and maintain the facility while it is open for business.

(E) Shall be open for business and in continuous operation 24 hours a day, seven (7) days a week, except that seasonally the facility may be closed to the public for not more than 150 consecutive days, provided the Department has received proper notification together with a request to cover or remove all Business Signs fastened to the Motorist Service Informational Panels.

(5) "FUEL", "FOOD", "LODGING", and "CAMPING"

A Qualified Motorist Service Business shall give written assurances of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, sex, religion, color, or national origin and shall not be in continuing breach of that assurance.

(b) Waiver. If a Qualified Motorist Service Business does not meet the eligibility criteria set forth in subdivision (a) of this section, and provided space is available, a waiver may be granted by the Department upon a showing by the applicant of all of the following:

(1) The waiver will not be contrary to any provisions of federal, state, or local laws or regulation.

(2) Granting the waiver will not detract from the purpose of these regulations and the statute under which these regulations were instituted.

(3) A substantial benefit to the motoring public will be realized if the waiver is granted.

(4) If the Qualified Motorist Service Business is a "FUEL", "FOOD", or "LODGING" facility it must be located within three (3) miles from the interchange where the Business Sign is to be displayed according to the State Measured Distance.

(5) If the Qualified Motorist Service Business is a "CAMPING" facility it must be located within 20 miles from the interchange where the Business Sign is to be displayed according to the State Measured Distance.

A permittee which has its Business Sign placed under a waiver will be issued a conditional permit. If the Motorist Services Informational Panel is filled and a subsequent Business Sign permit application from a Qualified Motorist Service Business which meets the eligibility criteria is reviewed and approved by the Department, then, the Department shall notify the permittee(s) under waiver whose business is located the greatest distance according to the State Measured Distance that the conditional permit will not be renewed more than once and that the sign will be removed not later than the expiration date of the conditional permit.

#### NOTE

Authority cited: Section 101.7, Streets and Highways Code. Reference: Section 101.7, Streets and Highways Code.

#### HISTORY

1. New article 4 and section filed 5-18-93; operative 6-17-93 (Register 93, No. 21).

### **Article 5. Permit Administration**

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## §2112. Permit Application and Priorities.



• [Note](#) • [History](#)

(a) Permit application. The Owner or Responsible Operator of a Qualified Motorist Service Business must file a Motorist Services Informational Signing Program Application And Permit dated 1-93 as provided by the Department. The completed application together with the current permit fee is to be forwarded to the appropriate district office of the Department. All permit applications are reviewed by the Department, and the Department shall have final responsibility and authority to grant or deny a permit.

Applications for permits will be denied for businesses which do not meet the eligibility criteria or whose signs do not meet the specifications as provided in [Sections 2109](#) and [2110](#), and Subdivision (a) of [Section 2111 of these regulations](#), except as provided in Subdivision (b)(2) of [Section 2113](#) and Subdivision (b) of [Section 2111](#).

Within 30 days of receipt of the permit application by the Department, each applicant shall be notified in writing that the application is complete and accepted for filing or that the application is deficient. If the application is deficient, the Department shall specify, in writing, the information required to complete the application. Within 30 days from the filing of the completed application, the Department shall notify the applicant of approval or denial of the permit.

No Business Sign shall be affixed by the Department until a Business Sign permit has been issued and the applicable annual rental fee has been paid.

Applications shall be considered to be received by the Department upon the date of receipt. A Business Sign permit shall be effective for the portion of the calendar year the permit is issued by the Department or the entire year if issued on January 1. In the case of a renewal, the Business Sign permit is effective for one year beginning on the first day of January and expires on the 31st day of December.

An Owner or Responsible Operator shall furnish the necessary Business Sign to the Department district office or the location designated by the Department within 60 days after notification by the Department that the Business Sign application has been approved. The Business Sign permit may be canceled by the Department if the sign is not furnished within the 60-day period or does not meet other provisions of these regulations. Under any of these circumstances, the applicant shall forfeit the permit fee, but receive a full refund of any rental fee which has been paid.

An application may be denied if the Department determines that adequate directional information cannot be given to enable motorists to locate the business premises, or the applicant refuses to place adequate Trailblazers on other public highways at the applicant's sole cost and expense.

(b) Priorities.

